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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

October 1, 2003

**CERTIFIED MAIL**

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Ms. La Weeda Ward  
Director of Regulatory Affairs  
Philip Services Corporation  
955 Powell Avenue SW  
Renton, WA 98055



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**FILE COPY**

Dear Ms Ward:

Re: Acceptance of the Clean Closure Certification for the Burlington Environmental Inc. (a wholly owned subsidiary of Philip Services Corporation) Pier-91 Facility; WAD000812917

This correspondence serves as official **acceptance**, by the Washington State Department of Ecology (Ecology), of the Philip Services Corporation's (PSC) March 3, 1997 letter with enclosed facility clean closure certification documentation submitted for the surface closure of the Pier-91 facility. Clean closure of the above ground facility was completed according to the Agency approved modification to the closure plan. The modified closure plan (designated by PSC as number PRMOD8-2) was approved by Ecology on October 29, 1996; and is the closure plan completed and certified in accordance to WAC 173-303-610(6) by PSC.

Ecology's acceptance of the Clean Closure Certification only applies to the above ground portions of the facility. As you know, the below-ground contamination cleanup is deferred to the on-going corrective action at the facility and Ecology is not certifying the Pier-91 facility as "clean-closed" at this time. The decision on the need for a Post Closure Permit as required by WAC 173-303-640(8)(b) and -806(4)(a)(xiii) is being deferred until after the corrective action investigation has been completed.

In accordance with 40 CFR 264.143(i), PSC is no longer required to maintain financial assurance for closure of the above ground structures. Ecology's acceptance is based on Philip's closure certification and supporting documentation referenced above, received by Ecology on March 3, 1997.

USEPA RCRA



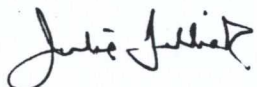
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October 1, 2003  
Page 2 of 2

Ecology's main reason for accepting the closure certifications at this time and for the long delay in acceptance of the clean closure documentation was to allow time for the Corrective Action investigation to proceed to the point that the Department of Ecology was assured that progress toward a Corrective Action Plan (CAP) would be accomplished. PSC, along with the other Potentially Liable Parties (PLPs), have made sufficient progress toward this goal. Therefore, Ecology does not feel that there is the need to maintain financial assurance for closure of the above ground structures any longer.

If you have any questions or comments regarding this matter, please contact Galen Tritt at Ecology's Northwest Regional Office by phone at (425) 649-7280.

Sincerely,



Julie Sellick, Manager  
Hazardous Waste and Toxics Reduction Section  
Northwest Regional Office

JAS:ght:sd

cc: Galen Tritt, WDOE-NWRO  
Edward Jones, WDOE-NWRO  
Greg Caron, WDOE-CRO  
Martin Werner, WDOE-HQ  
Jim Knudson, WDOE-HQ  
Jack Boller, EPA- Region X  
Jan Palumbo, EPA - Region X  
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Kathy Bahnick, Port of Seattle  
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